

FILED

JUNE 14, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

ANTHONY GAMBRINO, M.D.

CONSENT ORDER

This matter was opened before the New Jersey State Board of Medical Examiners upon the Board's receipt of a report from the Medical Practitioner Review Panel detailing the results of an investigation conducted by the Panel focused upon care provided by respondent Anthony Gambrino, M.D., to patients E.R. and P.D. The Panel commenced its investigation upon the receipt of information regarding payments that were made on respondent's behalf to settle civil medical malpractice actions brought by the estate of patient E.R. (wherein it was alleged that respondent failed to treat a peritonsillar abscess resulting in the death of a 45 year old male) and by patient P.D. (Involving an allegation that respondent failed to secure an airway prior to intubation, resulting in the need for an emergency tracheotomy, hypoxic encephalopathy and brain damage in a 71 year old patient). The Panel thereafter reviewed available records and information concerning both malpractice actions, and considered testimony offered by respondent concerning the two cases

CERTIFIED TRUE COPY

when he appeared before the Panel on October 21, 2005, represented by Robert J. Conroy, Esq.

At the conclusion of its investigation, the Panel made a recommendation to the Board that cause existed to refer this matter to the Attorney General for the initiation of disciplinary action against respondent, based on preliminary findings made by the Panel that respondent provided negligent care to both E.R. and P.D. The Board has adopted the report and recommendations of the Panel.

Specifically, the Board finds that respondent was negligent in the E.R. case because, in his capacity as a consultant, he failed to timely go to the hospital to examine patient E.R., notwithstanding his receipt of multiple phone calls from physicians in the hospital which should have caused respondent to suspect that E.R. had an airway blockage. While respondent ultimately did go to the hospital to examine E.R., he arrived after E.R. had sustained an arrest from which he could not be resuscitated.

Additionally, the Board finds that respondent provided negligent care to patient P.D. when he failed to perform an adequate preoperative evaluation of P.D. before anesthesia was administered. P.D. sustained brain damage following the induction of anesthesia because his airway was obstructed, requiring respondent to perform an emergency tracheostomy.

The Board having found that respondent engaged in repeated acts of negligence and that for disciplinary action against respondent therefore exists pursuant to N.J.S.A. 45:1-21(d), and the parties desiring to resolve this matter without need for formal disciplinary proceedings, and the Board being satisfied that the need for such proceedings is obviated by the entry of the within Order, and being further satisfied that good cause exists to support entry of the within Order,

IT IS on this 14th day of June, 2006,

ORDERED AND AGREED:

1. Respondent Anthony Gambrino, M.D. is hereby reprimanded for having engaged in repeated acts of negligence in connection with care provided to patients E.R. and P.D., as detailed above.

2. Respondent shall cease and desist from performing surgery or surgical procedures in any setting or location.

3. Respondent is assessed a civil penalty in the amount of \$7,500, which penalty shall be payable in three installments of \$2,500. The first installment of \$2,500 shall be paid upon entry of this Order; the second installment of \$2,500 shall be paid on or before September 14, 2006; and the final installment of \$2,500 shall be paid on or before December 14, 2006.

4. Respondent shall attend and successfully complete a course, acceptable to the Board, in the management of the "difficult airway." The course is to be completed within six

months of the date of entry of this Order. Prior to commencing said course, respondent shall provide information detailing the content of the course he intends to take (i.e., a course syllabus) to the Medical Educational Director of the Board, and shall obtain approval from the Medical Educational Director for any proposed course. Respondent shall additionally be responsible to ensure that the course provider submits written confirmation to the Board, following the course, that respondent attended and successfully completed said course.

NEW JERSEY STATE
BOARD OF MEDICAL EXAMINERS

By: Sindy Paul, M.D.
Sindy Paul, M.D.
Board President

I consent to the entry of this Order
by the State Board of Medical
Examiners.

Anthony Gambrino, M.D.
Anthony Gambrino, M.D.